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**MEMO ENDORSED**

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May 8, 2013

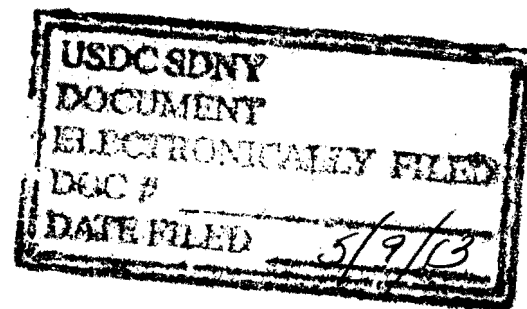
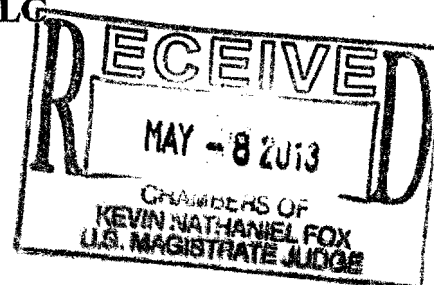
VIA Fax (212) 805-6712

Honorable Kevin N. Fox, U.S.M.J.

United States District Court Southern District of New York

500 Pearl Street

New York, NY 10007

**Re: Altas, et al. v. Philippe North America, et al.****Case No. 12-5032****Case No. 12-6967****MLLG File No.: 165-12**

Dear Judge Fox:

This firm represents the defendants in the above-referenced matters.

On April 22, 2013, we informed Judge Sullivan that defendant, Philippe Hamptons, Inc. filed Chapter 7 bankruptcy proceedings in the United States Bankruptcy Court for the Eastern District of New York on April 22, and that therefore, it is our understanding that the instant litigation is subject to an automatic stay under 11 U.S.C. §362.

A settlement conference is scheduled in both matters for May 13, 2013. Since we believe that the matters have been automatically stayed under 11 U.S.C. §362, it is our understanding that the settlement conference scheduled for May 13 cannot proceed.

5/9/13

A stay pursuant to 11 U.S.C. §362 applies only to the debtor and not to co-defendants who are not bankrupt. See Teachers Ins. and Annuity Assoc. of Am. v. Butler, 803 F.2d 61, 65 (2d Cir. 1986).

Respectfully submitted,

MILMAN LABUDA LAW GROUP PLLC

  
Jamie S. Felsen

Therefore, the settlement conference will proceed with all parties who are not bankrupt.

SO ORDERED:

Kevin Nathaniel Fox, U.S.M.J.

cc: Josef Nussbaum, Esq. (via fax 212-688-2548)